

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TERRENCE J. HANCOCK, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 21 C 1726
)	
CDR TRANSPORTS, INC.,)	JUDGE FRANKLIN U. VALDERRAMA
an Illinois corporation,)	
)	
Defendant.)	

JUDGMENT ORDER

This matter coming on to be heard upon the Motion of Plaintiffs, by their counsel, it appearing to the Court that the Defendant, CDR TRANSPORTS, INC., an Illinois corporation, having been regularly served with process and having failed to appear, plead or otherwise defend, and default of said Defendant having been entered on June 10, 2021, the Court, first being fully advised in the premises and upon further evidence submitted herewith, FINDS:

1. It has jurisdiction of the subject matter herein and of the parties hereto.
2. The Defendant is bound by the terms of the collective bargaining agreement referred to in the Complaint of Plaintiffs.
3. The Defendant is obligated to report and pay contributions to each of the Plaintiff Funds on behalf of its bargaining unit employees in accordance with the collective bargaining agreement.
4. The Defendant is bound by all the terms and conditions set forth in the Agreements and Declarations of Trust governing the Plaintiff Funds.

5. Defendant has submitted monthly contribution reports to the Plaintiffs identifying employees of the Defendant who performed work covered by the collective bargaining agreement, and the number of hours worked by or paid to those employees for the months of September 2020, October 2020 and December 2020 through February 2021. Said monthly contribution reports establish that Defendant owes the Plaintiffs the amount of \$6,193.59 for contributions the months of September and October 2020. The reports submitted for December 2020 through February 2021 indicate no hours were worked for the stated months.

6. Pursuant to the Trust Agreements, a liquidated damages surcharge has been assessed against the Defendant in the amount of twenty (20%) percent of all contributions due and unpaid, for the months of September and October 2020, in the total amount of \$1,238.72.

7. Interest has been assessed against the Defendant in the amount of \$218.87, calculated at one (1%) per month, compounded monthly, for the months of September and October 2020.

8. Defendant is in violation of its obligation to submit its monthly contribution report for the month of November 2020. Based upon a review of Defendant's reporting history for the months of September and October 2020, Plaintiffs have estimated the contributions due for that month to be \$3,338.07, plus \$667.61 for liquidated damages and \$67.09 for interest, for a total of \$4,072.77, said amounts are found to be not unreasonable.

9. Plaintiffs are entitled to audit the payroll books and records of Defendant to verify the accuracy of the monthly reports referred to herein and to determine what additional amounts may be due and owing to Plaintiffs.

10. Defendant has failed to timely pay all contributions required to be made to the Plaintiff Funds. Accordingly, as provided in the Agreements and Declarations of Trust governing the respective Funds, 29 U.S.C. '1132(g)(2) and 28 U.S.C. '1961, Plaintiffs are entitled to recover:

- (a) liquidated damages and interest on all contributions paid late or remaining unpaid;
- (b) the cost of auditing the payroll books and records of Defendant;
- (c) the costs and expenses of the Trustees, including their reasonable attorneys= fees;
- (d) post-judgment interest; and
- (e) costs and attorneys= fees incurred in executing on, or otherwise collecting, this judgment.

11. Plaintiffs have incurred costs totaling \$487.00 and reasonable attorneys= fees totaling \$1,581.25.

12. There is no just cause for delay in the entry of a Judgment Order as to the sum of \$13,792.20 owed to the Plaintiffs from Defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

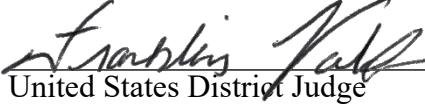
A. That Plaintiffs recover from the Defendant, CDR TRANSPORTS, INC., an Illinois corporation, the sum of \$9,531.66 for contributions, \$1,906.33 for liquidated damages and \$285.96 for interest, or a total sum of \$11,723.95.

B. That Plaintiffs recover from the Defendant, CDR TRANSPORTS, INC., an Illinois corporation, the sum of \$487.00 for their costs and \$1,581.25 as and for Plaintiffs= just and reasonable attorneys= fees.

C. That Plaintiffs recover from the Defendant, CDR TRANSPORTS, INC., an Illinois corporation, the total sum of **\$13,792.20**, which includes contributions, liquidated damages, interest, attorneys= fees and costs, plus post-judgment interest on said amount at the rate required by 28 U.S.C. '1961.

D. Plaintiffs are awarded execution for the collection of the judgments and costs granted hereunder.

Dated: October 21, 2021



United States District Judge
Franklin U. Valderrama